



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.23613 of 2021
and
CrI.M.P.No.12990 of 2021

Sridevi ...Petitioner / Accused

-Vs-

Rajendran ...Respondent / Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and set aside the docket order dated 23.10.2021 passed in C.C.No.69 of 2019 on the file of Judicial Magistrate I, Villupuram.

For Petitioner : Mr.V.Illanchezian

O R D E R

This petition has been filed to call for the records and set aside the docket order dated 23.10.2021 passed in C.C.No.69 of 2019 on the file of Judicial Magistrate I, Villupuram.

2. The contention of the learned counsel appearing for the petitioner is that the trial court, without providing sufficient opportunity to the petitioner to file latest stay extension order obtained in CrI.O.P.No.13677 of 2019 and following the Judgment of the Apex Court in the case of Asian Resurfacing of Road Agencies Private Ltd., and Another Vs. CBI in CrI.A.Nos.1375-1376 of 2013 dated 15.10.2020 issued bailable warrant to the petitioner and hence prays to set aside the same. He further submitted that the interim stay was granted by this Court in CrI.M.P.No.6734 of 2019 by an order dated 23.05.2019 initially for a period of four weeks and dispensed with the personal appearance of the petitioner before the trial court in CrI.M.P.No.6735 of 2019 and thereafter by an order dated 24.06.2019, the interim stay granted was extended for a further period of eight weeks, subsequently by order dated 21.08.2019 this Court extended the interim order till the disposal of the CrI.O.P. and thereafter the matter was not listed.



3. Heard the learned counsel appearing for the petitioner and perused the records.

4. From the perusal of records, it is seen that this Court initially granted an order of interim stay and dispensed with personal appearance of the petitioner on 23.05.2019, which has been periodically extended till 21.08.2019 and thereafter on 21.08.2019, interim stay was extended till the disposal of the Crl.O.P. and the said order was not filed before the trial Court. Hence, the trial Court, by following the Judgment of Apex Court in the case of Asian Resurfacing of Road Agencies Private Ltd., and Another Vs. CBI in Crl.A.Nos.1375-1376 of 2013 dated 15.10.2020, wherein it was held that whatever stay has been granted by any court, including the High Court automatically expires within a period of six months and unless extension is granted for good reason, the trial Court is on the expiry of first period of six months, to set a date for the trial and go ahead with the same issued Bailable Warrant to the petitioner on the ground that six months had lapsed, which cannot be faulted with.

5. In view of the same, this Criminal Original Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Judicial Magistrate No.1,
Villupuram.
2. -do through- The Chief Judicial Magistrate,
Villupuram.

Crl.O.P.No.23613 of 2021

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NSK 04/01/2022